THE HIGH COURT OF UTTARANCHAL AT NAINITAL

Writ Petition (M/S) No. 901 of 2004

Balwant Singh, Son of Shri Asharam, resident of village Imli Khera, Pargana and Tehsil-Roorkee, District Haridwar.

……..Petitioner.

Vs.

1. Deputy Director of Consolidation/Additional Collector, Haridwar.
2. Satyendra son of Nakli,
3. Bishan son of Nakli,
4. Pankaj son of Ravindra,
5. Parvesh son of Ravindra.
6. Sukhpal son of Atroo.
7. Randheer son of Sambhu.
8. Ranveer son of Sambhu.
   All residents of village Imlikhera, Paragana and Tehsil Roorkee, District Haridwar.
9. Smt. Kela d/o Banwari, wife of Shyam Lal, resident of village Terpur, Pargana Jwalapur, Tehsil and District Haridwar.
10. Smt. Kamla D/O Banwari W/O late Sri Sita Ram, resident of village Majri, Pargana & Tehsil Devband, District Saharanpr, U.P.
11. Smt. Munni @ Shakuntala, D/O Banwari, W/O Ilam Chand, resident of village Kashipur, Pargana Bhagwanpur, Tehsil Roorkee, District Haridwar.

……..Respondents.

Sri Arvind Kumar Sharma, learned counsel for the petitioner.
Sri R.C. Arya learned Standing Counsel for the State-respondent No.1.
Sri Arvind Vashist, Adv., learned counsel for the respondent nos. 2 to 8.

Date September 08, 2006

P.C.: Hon'ble B.S. Verma, J.

Heard learned counsel for the parties and perused the record.

By means of this writ petition, the petitioner has prayed for issue a writ, order of direction in the nature of certiorari to quash the order dated 31-8-2004 passed by the Deputy Director of Consolidation, Haridwar. By the impugned order, the application under Order 1, Rule 10 C.P.C. moved by the respondents for

impleadment was allowed by the Deputy Director of Consolidation on the ground that they had purchased the land in question through registered sale deed.

It may be mentioned that the consolidation proceeding is a settlement proceedings and on party has a right after closing of the consolidation to get the entries corrected. After notification of Section 52 of the Consolidation of Holdings Act, Section 49 of the said Act shall bar all the proceedings for correction and declaration without any objection has been filed during the consolidation proceedings. Learned Deputy Director of Consolidation has rightly allowed the impleadment application of the respondent nos. 2 to 8, who purchased the land in question from one Banwari, who was the tenure holder of the land in question. Admittedly, the appeal filed by Banwari before the Settlement Officer was allowed against which a revision under Section 48 of the Act is pending before the Deputy Director of Consolidation. By impleadment of respondent nos. 2 to 8 as party to the proceedings, no prejudice is going to the caused to the writ petitioner. There is no infirmity or illegality in the order passed by the learned Deputy Director of Consolidation, who passed the order allowing the impleadment application in the interest of justice. The order under challenge is interlocutory in nature.

The writ petition is devoid of merit and is hereby dismissed. The Deputy Director of Consolidation is directed to decide the revision filed by the petitioner on merit preferably within a period of six months from the date of production of certified copy of the order. No order as to costs.

Interim order dated 24-9-2004 is hereby vacated.

(B.S. Verma, J.)

RCP